

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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TIMMY WALLACE,

Plaintiff,

-against-

CITY OF NEW YORK et al.,

Defendants.  
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**JENNIFER E. WILLIS, United States Magistrate Judge:**

The Court issued an Order on July 12<sup>th</sup> that 1) directed Mr. Wallace's attorney Mr. Dratch to file a formal motion to withdraw and 2) explained the Court's reasoning in applying the pending Motion for Judgment on the Pleadings to Plaintiff's proposed third Amended Complaint. Dkt. No. 61.

Yesterday, Mr. Dratch filed a Motion to Withdraw. Dkt. No. 66. That Motion is GRANTED.

Next, Mr. Wallace, now acting *pro se*, filed a response to Defendant's Opposition to Mr. Wallace's Motion for Leave to file a third Amended Complaint. He also requested an extension to file an Opposition to Defendant's Motion for Judgment on the Pleadings. Furthermore, he indicated he has had difficulty accessing the law library and was unsure if his prior papers had been received, stating, "if this Court has already received Plaintiff's Opposition Motion in which Plaintiff handed to U.S.P. Canaan's prison staff for mailing on July 2, 2023, please disregard this request as to that Motion." Dkt. No. 63.

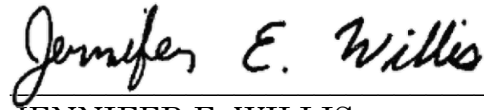
Therefore, for the sake of clarity and to promote the just, speedy, and inexpensive resolution of the dispute, the Court orders the following:

- 1) The Court reiterates that Mr. Wallace has been GRANTED leave to file the third Amended Complaint.
- 2) For this reason, Defendant's Opposition to Wallace's Motion to Amend is DENIED.
- 3) Therefore, Mr. Wallace does not need to submit any other filings until the Court rules on the Motion for Judgment on the Pleadings. The Court has frozen all other deadlines. Therefore, Mr. Wallace does not need an extension, so the extension request is DENIED without prejudice (in other words, should there be any new deadlines after the Court rules on the pending Motion, Mr. Wallace is permitted to seek further extension requests).
- 4) As explained in the previous Order, the MJP will be decided based upon the facts alleged in the third Amended Complaint.
- 5) Finally, to the extent practicable, the Court directs the staff at USP Canaan in Pennsylvania to permit Mr. Wallace access to his court documents and the law library.

The Clerk of Court is respectfully requested to close Dkt. Nos. 54, 59, 63, and 66.

SO ORDERED.

DATED: New York, New York  
August 3, 2023

  
JENNIFER E. WILLIS  
United States Magistrate Judge